

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

### State Reclamation and Mosquito Control Board

251 Causeway Street, Suite 500, Boston, MA 02114

617-626-1700 fax: 617-626-1850 www.mass.gov/agr



DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR  
Secretary

SCOTT J. SOARES  
Commissioner

#### MEMBERS

Lee Corte-Real, **Chairman**  
Department of Agricultural  
Resources (DAR)

Anne Carroll  
Department of Conservation  
And Recreation (DCR)

Gary Gonyea  
Department of Environmental  
Protection (DEP)

**DATE: Wednesday, March 23, 2011**  
**TIME: 10:00 AM-NOON**  
**LOCATION: Cape Cod Community College, Room 213, Lorusso Applied  
Technology Building, 2240 Iyannough Road (Route 132), West  
Barnstable, MA 02668**

#### Meeting Agenda

#### ADMINISTRATION

Mark S. Buffone  
Executive Director

Alisha Bouchard  
Project Administrator

#### MOSQUITO CONTROL PROJECTS & DISTRICTS

Berkshire County Mosquito  
Control Project

Bristol County Mosquito  
Control Project

Central Massachusetts  
Mosquito Control Project

Cape Cod Mosquito  
Control Project

East Middlesex Mosquito  
Control Project

Norfolk County Mosquito  
Control Project

Northeast Massachusetts  
Mosquito & Wetland  
Management District

Plymouth County Mosquito  
Control Project

Suffolk County Mosquito  
Control Project

- A. **Start:** Call to Order by Chairman Corte-Real, and Attendance.
- B. **Minutes/Summary:** The Board will consider for approval the meeting minutes of the January 26, 2011 meeting. **(Vote Required)**
- C. **NPDES:** The Board will discuss current status of Permit and April 9<sup>th</sup> deadline as well as request feedback from Mosquito Control Programs pertaining to how mosquito programs should compliance whether or not extensions are approved. **(Vote may be required)**
- D. **FY 12 Mosquito Control Budgets:** The Board will review mosquito control program results of implementation of the Board's Mosquito Control Budget Notification and Compliance Certification Policy and obtain any additional feedback from mosquito control programs regarding public meetings and additional feedback from local member communities.
- E. **2011 Mosquito Season:** The Board would like to hear from the mosquito control program experts on what they anticipate for the upcoming season and report on current field conditions.
- F. **EEEv Aerial Application Final Report:** The Board will review and approve the **Final Report: Aerial adulticiding intervention to diminish risk of Eastern equine encephalitis virus (EEEV), Southeast Massachusetts, 2010**
- G. **Public comment/input period:** The Board will provide an opportunity for the general public to speak and listen to their concerns.
- H. **New Business:** The Board will clarify issues in a letter from Ben Nugent, Legislative Aid, for Representative Randy Hunt.
- I. **Adjournment:** The Board will officially adjourn the meeting.

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Plymouth County Mosquito  
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Suffolk County Mosquito  
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**Subject:** Meeting Minutes

**Date:** Wednesday, March 23, 2011

**Place:** Cape Cod Community College, Room 213, Lorusso Applied  
Technology Building, 2240 Iyannough Road (Route 132), West  
Barnstable, MA 02668

#### **Present for the:**

#### **Board and Administration:**

Lee Corte-Real, Department of Agricultural Resources, Chairman  
Anne Carroll, Department of Conservation and Recreation, Member  
Gary Gonyea, Department of Environmental Protection, Member  
Mark Buffone, Executive Director

#### **Mosquito Control Project Commissioners:**

Carolyn Brennan, Plymouth County Mosquito Control Project  
Jere Downing, Cape Cod Mosquito Control Project  
J. Gregory Milne, Cape Cod Mosquito Control Project  
Arthur Neill, Cape Cod Mosquito Control Project  
Lee Peck, Plymouth County M Mosquito Control Project  
Rich Pollack, Norfolk County Mosquito Control Project  
James Quirk, Cape Cod Mosquito Control Project

#### **Mosquito Control Project Directors/ Superintendents /Assistants:**

Stephen Burns, Bristol County Mosquito Control Project  
Jack Card, Northeast MA Mosquito Control & Wetlands Management District  
Tim Deschamps, Central MA Mosquito Control Project  
John Doane, Cape Cod Mosquito Control Project  
Joann Fawcett, Plymouth County Mosquito Control Project  
David Henley, East Middlesex Mosquito Control Project  
Bruce A. Landers, Suffolk County Mosquito Control Project  
Dave Lawson, Norfolk County Mosquito Control Project  
Timothy McGlinchy, Central MA Mosquito Control Project  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
John Smith, Norfolk County Mosquito Control Project  
Tony Texeira, Plymouth County Mosquito Control Project  
John Smith, Norfolk County Mosquito Control Project

**Others:**

Jay Coburn, Senator Dan Wolf's Office  
T. J. Hegarty, Dukes County  
Lorre-Jo Joyce, Representative Madden Office  
Monica Mullin, Senate President Murray's Office  
Ben Nugent, Representative Randy Hunt's Office

- A. Call to Order by Chairman Corte-Real, and Attendance.** Chairman Lee Corte-Real called the meeting of the State Reclamation and Mosquito Control Board to order at 10:07 AM on March 23, 2011. He asked for a roll call. Present were Gary Gonyea representing Commissioner Kimmel of the Department of Environmental Protection, Anne Carroll representing Commissioner Lambert of the Department of Conservation and Recreation and Chairman Lee Corte-Real recognized himself representing Commissioner Soares, of the Department of Agricultural Resources and stated there was a quorum.

Before the Chairman went on to the items on the agenda, he requested that all present remember Margaret Laber, a long-time employee of the Cape Cod Mosquito Control District, who passed away recently. Chairman Corte-Real commented that although he did not know Margaret, there was a sense of loss to our small mosquito control community. He offered condolences to her family, friends, and everyone associated with mosquito control.

Gabrielle Sakolsky (Gabi), Assistant Superintendent of the Cape Cod Mosquito Control Project was recognized by the Chairman. She wanted to inform the Board that Margaret who worked for 42 years as the Office Manager for Cape Cod Mosquito Control Project kept everything running smoothly. Since her passing, Gabi remarked that they needed help from Boston; in particular, she expressed her gratitude to the Board for the projects administrator, Alisha Bouchard, and Human Resources Director, Marybeth Burnand who helped Cape Cod Mosquito Control Project during this difficult period. Chairman Corte-Real stated he would convey her sentiments to Alisha and Marybeth.

- B. Minutes/Summary:** The Board considered for approval the meeting minutes of the January 26, 2011 meeting. **(Voting Required)**
- B.1: Background:** The Chairman stated that the minutes were sent out for review and approval, and asked members if there were any corrections or amendments regarding the minutes. Hearing none, he entertained a motion to approve the minutes of January 26, 2011.
- B.2: Questions and Discussions:** None.
- B.3: Action Taken:** Anne Carroll moved to approve the meeting minutes of January 26, 2011. The motion was seconded by Gary Gonyea and the minutes were voted unanimously 3-0.
- C: NPDES:** The Board discussed the current status of the NPDES Permit and the April 9<sup>th</sup> deadline and requested feedback from Mosquito Control representatives present on the status of mosquito programs compliance whether or not extensions the April 9<sup>th</sup> deadline are approved.
- C.1: Background:** Chairman Corte-Real stated that NPDES has been one of the Board's focus for an extended time and that there have been a number of developments since the last meeting. Even with new developments, additional clarification was needed. Chairman Corte-Real asked Gary Gonyea, the DEP member to provide further details on these new developments which have occurred to date.

Gary Gonyea informed the Board and all present of the following:

The general permit will be effective in Ma on April 9, 2011. The general permit covers pesticide discharges to waters of the U.S. in MA, and other states. On March 3, the U.S. Environmental Protection Agency (EPA) requested an extension to allow more time for pesticide operators to obtain permits for pesticide discharges into U.S. waters. EPA requested that the deadline be extended from April 9, 2011 to October 31, 2011. During the period while the court is considering the extension request, permits for pesticide applications will not be required under the Clean Water Act. Also, Gary Gonyea remarked that the House has recently voted to rescind this Act. These are legislative and legal actions that are being taken.

Changes to draft permit were made by EPA and he distributed a summary of changes that were recently approved for release. He remarked that at this point in time, it is unclear when final General Permit will be issued. This permit is in response to the 6th Circuit Court's 2009 decision, which found that discharges from pesticides into U.S. waters were pollutants. The final permit will reduce discharges of pesticides to aquatic ecosystems, thus helping to protect the nation's waters and public health.

Gary Gonyea recommended that all the mosquito control projects prepare a **Pesticide Discharge Management Plan (PDMP)** and have them on hand by April 9, 2011.

He stated that if the Court grants EPA's motion to extend the stay of the mandate, all discharges that are a result of pesticide applications affected by the Court's decision would not need NPDES permits until the stay expires.

Then he asked what happens if the court denies the extension request after April 9th?

He answered that if the court denies an extension request after April 9th, the Court may require such discharges to be covered under an NPDES permit immediately upon its decision or may set some later date (e.g., two weeks from date of decision) at which time such discharges resulting from pesticide applications that were affected by the Court's decision must be covered under an NPDES permit.

He added that if the extension request is denied the General Permit will go into effect, however, the first Notice of Intent will not be due until after October 1, 2011. **No Notices of Intent (NOI) will be required this summer.** All Applicators, however, will be required to comply with the General Permit and their Pesticide Discharge Management Plans (PDMP). So he emphasized it is important that all the mosquito control projects have these in place. He asked by a show of hands who had already worked on their PDMP. Very few projects had completed the PDMP.

Some of the mosquito control project representatives asked if they could send their PDMP to the Board for review. Gary Gonyea said that they could send them to him or Robert Kubit, the DEP contact at the following e-mail address [Robert.kubit@state.ma.us](mailto:Robert.kubit@state.ma.us) or contact Bob with questions at (508) 767-2854.

The Pesticide General Permit will apply to all Projects/MCDs regardless of size. All MCDs will be required to develop and follow a PDMP. However, projects will file a NOI only if **adulticide** applications exceed the threshold limit of 6,400 acres (cumulative per season).

He commented that if you do not conduct adulticide, you do not need to file a NOI. However, you will need a PDMP.

He discussed specific sections of the document handed out titled **Summary of Changes for NPDES PGP Final Permit (working version 12/22/10)**. He pointed out a 10 fold change in adulticiding from 640 acres to 6,400 acres.

There was a point of clarification by the Chairman, asking if the 6,400 acres was general applications area or applications over water? He noted that there are a number of clarifications that really need to be sought from EPA.

The Executive Director distributed section 5.1 that could serve as guide for developing a PDMP since no template was available.

The Executive Director noted that that April 9, 2011 was a couple of weeks away and he asked the Board for guidance on how the mosquito control projects should proceed.

Gary Gonyea stated that the mosquito control projects should review the document distributed, to answer the questions in section 5.1, and develop a PDMP. Thereafter, he remarked that they could send the PDMP to him and he will forward DEP Contact Robert Kubit and EPA Contact George Papadopoulos for review & comment.

Chairman Corte-Real stated that the mosquito control projects should assume that NPDES will go into effect on April 9, 2011, even if it appeared these requirements would not go into effect. The prudent path to follow is to plan for the requirements to go into effect. He noted that the good part of all of this is that much of the information that the mosquito control projects put into their annual operating plans is part of what will be required by the NPDES requirements.

Mark Buffone, Executive Director informed the Board that the bill mentioned was H.R. 872, the "Reducing Regulatory Burdens Act of 2011." The bill will exempt lawful pesticide applications from the requirement to obtain an NPDES permit. Also, he noted that the American Mosquito Control association ("AMCA") is very concerned about the requirement since the AMCA contends that EPA Pesticide Spray permit will severely hamper public health efforts to control mosquitoes and prevent disease

Also, he ask the Board if they would like to put in the form of motion a requirement for the MCP's to move forward as if there was a permit and vote a checklist or consider language that would direct the MCPs and Commissions to follow at a minimum section 5.1 for a Pesticide Discharge Management Plan (PDMP).

The Board members did not believe a vote was necessary, but were in agreement that everyone should proceed as if the NPDES requirements would be going into effect.

Gary Gonyea did announce that DEP will schedule informational meetings, as necessary and appropriate, if and when, the general permit becomes final.

- C.2: **Questions and Discussion:** Questions asked were answered during the presentation by Gary Gonyea to the Board or would be forwarded to EPA and others for clarification.
- C.3: **Action Taken:** None
- D: ***FY 12 Mosquito Control Budgets:*** The Board reviewed additional information pertaining to the mosquito control programs implementation of the *Board's Mosquito Control Budget Notification and Compliance Certification Policy* and obtain any additional feedback from mosquito control programs regarding public meetings and inputs from local member communities.

**D.1: Background:** The Chairman asked the Executive Director to provide an update on the status on the FY 12 budgets. Mr. Buffone explained the reason for this agenda item and its importance in order for the Board to receive feedback from mosquito control projects and provide an opportunity for the Board to ask questions. The Executive Director reported to the Board on the results of the mosquito control projects compliance with *the Board's new Budget Notification and Compliance Certification Policy that was voted on March 4, 2010 and revised on October 27, 2010*. He further remarked that the purpose of the policy was to increase transparency, documentation, and accountability concerning public funds expended for mosquito control and to provide a process for the Board to make sound budget certification votes at the Board's next meeting in May. He then highlighted the policy requirements as a refresher. He covered the current policy and read to the Board the following highlighting that it is the policy of the Board, in making its certification and approval of Districts budgets that each District is required to:

1. Invite the public to a meeting to be held on or before March 1<sup>st</sup> of each year in which the Districts preliminary proposed budget and work plans for the upcoming mosquito season are presented and discussed, and notice of the meeting shall be published as prescribed in Forms SRB-1 and SRB-2.
2. Send a copy of the meeting invitation and District preliminary proposed budget to the Chief Administrative Officer\*, the Chief Executive Officer\*, to the Finance Committee of each member municipality having a Finance Committee, and to the Board; and, if requested by any of the above, to attend a meeting to explain the proposed budget and to answer questions.
3. Make available the District preliminary budget to local public officials and citizens in each member municipality in a format that reveals cost categories such as salaries, expenses, travel, equipment, supplies, etc., along with breakdowns for two previous years of budget for comparison purposes.
4. Send a report including summary of public comments (if any) along with the final District budget proposed to the Board by April 15<sup>th</sup>. The executive director reminded and emphasized everyone of this date.
5. Publish and mail Form SRB-1 as directed, and to complete and return Form SRB-2 to the Board as evidence of compliance with this policy.

Executive Director Buffone told the Board that he put together a table that summarizes the results of the first time implementation of the policy. He noted that the table shed some light on compliance and if it was achieved. As far as his review, he offered that for the 1<sup>st</sup> time around, it is evident that the Commissions and projects met the overall letter of the Board's policy with a number of kinks that were uncovered after reviewing the information submitted to Alisha and me. He cited some specific examples of differences in numbers originally submitted and what was presented to the public. He asked the Board if they had any questions about the information provided to them.

**D.2: Questions and Discussions:** Gary Gonyea brought up the fact that the Board is required to post notices of these meetings in the Environmental Monitor and suggested that the Board consider for the next time, to obtain the approximate dates and post within a certain time period the meetings that will be held and also state that the annual reports will be available on the Board's website. The Executive Director noted that it would be critical to get the dates as soon as possible in order to meet publishing requirements of the Environmental Monitoring. The Board agreed to have at least one posting in the Monitor that references when mosquito control public meetings would be held. The Board discussed that the monitor is published twice a month and that the notice be sent 2 weeks prior to the issuance date. The Board was in agreement to post an Advance Notice in the Monitor by September 30, 2011 stating that public meetings would be held from November 1<sup>st</sup> through March 1<sup>st</sup> and that specific information on time, date, and location would be found on the Board's website. This would guarantee the monitor will publish in October.

Gary Gonyea remarked that these public meetings are required to comply with MEA generic impact statement certificate requirements of holding annual meeting and these budget meetings dovetail with these requirements. In other words, the public would have an opportunity to hear about the previous season mosquito control works and proposed FY budget details.

Anne Carroll ask the Executive Director if all the projects are aware of the most recent or revised SRB Budget Forms 1 and 2 and that they all need use for the next public meetings for late 2011 into 2012.

Gary Gonyea asked a few questions on cost savings incurred by the Plymouth County Mosquito Control Project in light of proposed increases for FY 12.

Chairman Corte-Real asked if the project could provide a presentation on the cost savings from alternative adulticide Duet and efficacy trials.

A question came up on elimination of helicopter spraying by Plymouth County. The project stated it uses 31% less money to maintain a fixed wing aircraft and conduct larvicide on 10,000 acres where helicopters can reach only 3,000 acres. The helicopter areas are so tight that they are minimally effective. Gary Gonyea asked if the project would send numbers to him. Plymouth owns the plane so it is cost effective said Tony Texeira. Norfolk representative, John Smith, stated that his project conducts area wide larviciding in the spring talked about the differences between Plymouth and Norfolk due to differences in terrain and demographics.

A question was raised on the how many people attended the public meetings. The Executive Director answered that there were very few. One project, Suffolk noted that they had 60 due to the fact that their meeting was actually an agenda item on another meeting's agenda.

The Executive Director, Mark Buffone, and Gary Gonyea applauded the Norfolk County Mosquito Control Project for their efforts in outreaching to the public regarding their public meeting. T.J. Hegarty from Dukes County made a suggestion that was well received commenting that outreach of these meetings could be announced through local access station where these meetings could be part of a service announcement in the local community. They run for a month and he remarked that many people that otherwise could not attend such as senior citizens watch these service announcements over and over again.

**D.3: Action Taken:** A consensus of the Board was to continue to hold these meetings and present a summary of the meetings to MEPA.

**E: *2011 Mosquito Season:***

**E.1: Background:** The Executive Director announced to the Board that it makes sense for the mosquito control program experts to provide their thoughts on what they might anticipate for the upcoming season and report to the Board their initial findings and current field conditions region by region for the purpose of being proactive. He remarked that it is difficult to predict what will happen in the 2011 season especially as it relates to WNv and EEEv. However, he noted that many of the mosquito control programs have begun to check conditions and initial surveys that it might be meaningful to hear from representatives of the mosquito control programs to provide some feedback to the Board. Understandably, the Executive Director recognized that it is still early and told the Board he would place a similar agenda item on the May meeting agenda in order that the Board is updated. Chairman Corte-Real asked if anyone would like to begin.

**East Middlesex:** Superintendent David Henley reported the following: As far as spring mosquitoes, last year's spring weather influenced what will happen. They had very few mosquitoes that emerge

from river flood plains since flooding occurred early and it was very warm early leaving larvae washed or away or stranded with staggered emergence. Woodland swamps mosquitoes were higher than normal population so he would expect fresh eggs in woodland swamps this year such as *Oc. canadensis*. They had very few *Culiseta melanura* last year. He does not view EEEv as a threat this year because of reduced *Culiseta melanura* populations unless they receive a tremendous amount of rain during the season to help build up their populations. Finally, he noted they did not have any EEEv positives last year. As far as WNV is concerned, he remarked that the *Culex* population was low all summer but built up over the summer with August and September rains making populations above average in September. He does not know how well survival was over the winter. He felt that there is moderate chance of WNV since they had a lot of positives for WNV and 7 cases in Massachusetts. He is more concerned about WNV for the 2011 season. As far as summer mosquitoes, *Aedes vexans* populations were low and he remarked that eggs would be sparse and noted that *Coquillitedia perturbans* populations were low last year too.

**Plymouth County:** Superintendent Tony Teixeira reported the following: He noted that he did know what will happen as far as EEEv. He remarked that his entomologist, Ellen Bidlack conducted an evaluation of reviewing a 20 year analysis noticing a trend that after 2009 record breaking year for *Culiseta melanura* populations and the following year which was last year (2010), the population dropped off significantly but also there was more EEEV positives. She looked back to 2005, another record breaking year, the next year 2006 population of *Culiseta melanura* dropped but there was EEEv cases. She saw that trend three times throughout the 20 years. He stated that they did not have high populations of *Culiseta melanura* but high infection rates in smaller populations. To predict what will happen this year is anybody's guess. Another important condition last year was very high water table early in the spring and lots of heat in summer, which acted as an incubator causing problems last season.

**Central MA:** Tim Deschamps, Director reported that his crews are finishing up ditch maintenance jobs and monitoring of the wetlands noting that less than 50% larval activity. He expects that will go up. They are doing public outreach in specific areas in Worcester, Lancaster, and Town of Bolton. As far as predicting arbovirus, it is still too early.

**Norfolk County:** John Smith, Director reported that personnel have been observing significant flooding of both inland wetlands and flood plains due to heavy early spring rains and snow melt. Larval surveys are showing average to slightly above average numbers of mainly 1<sup>st</sup> instars larvae in wetlands. No larvae have been collected in the flood plain areas, so far, and there was a general dry down of flood plains. Staff has seen some evidence of larvae advancing into 2<sup>nd</sup> instars this week. He noted that what the larval conditions will be at the time of our aerial application (e.g. @ the 3<sup>rd</sup> week of April) will depend on the effects of the normal dry down as well as precipitations levels between now and then. They did some monitoring in a cedar swamp in Town of Sharon over the past 3 years and found that the crypts were dry this past October.

**Bristol representatives** reported via e-mail and the Executive Director reported that Wayne Andrews, Superintendent stated that his expectations for this season (2011) are that *Coquillitedia perturbans* will continue with EEEv along the border of Bristol and Plymouth Counties. This tends to happen in a second year following an EEEv outbreak in this species which occurred in 2010.

**E.2: Questions and Discussions:**

**E.3: Action Taken:** The Executive Director informed the Board that this item should be placed on the May agenda to get up to date about field conditions and current observations. Chairman Corte-Real said that this was a good idea. No vote was taken but the Board requested that this agenda item be placed on the next meeting agenda.

**F:** **EEEv Aerial Application Final Report:** The Board will review and approve the Final Report: Aerial adulticiding intervention to diminish risk of Eastern equine encephalitis virus (EEEV), Southeast Massachusetts, 2010.

**F.1:** **Background:** Chairman Corte-Real introduced the item. M. Buffone, Executive Director explained that the final report was available for the Board to approve regarding the final EEEv aerial report that summarized time, date, location, number of aircraft, what was involved, number of people who helped with spray droplet characterization, and appended reports such as water quality analysis, biomonitoring of macroinvertebrates, and the ecological pilot sampling program. He noted that he will post the reports on the Board's website. He told the Board that while he did not have the complete cranberry residue report, a summary is in the report, but noted he will post the cranberry residue report when available.

**F.2:** **Questions and Discussions:** Some individuals asked if the report was posted. The Executive Director stated it would be posted on the Board's website under *Updates*.

The Board members thanked the Executive Director for this report and commented it was well done. Also, the M. Buffone, Executive Director commented and thanked Gary Gonyea and Dr Rich Pollack for their assistance in editing and wordsmithing the final draft and suggestions to attached the other various reports to the final report.

**F.3:** **Action Taken:** Gary Gonyea made a motion that the final report be posted. The motion was seconded by Anne Carroll and the minutes were voted unanimously 3-0.

**G:** **Public comment/input period:** The Board will provide an opportunity for the general public to speak and listen to their concerns.

**G.1:** **Background:** The Chairman opened up the meeting for questions.

**G.2:** **Questions and Discussions:** A number of questions were raised and the Board responded to all. The Chairman remarked that in many cases that mosquito control programs as state agencies will bear the various impacts as a result of unintended consequences relating to hiring, travel, and other administrative issues that the Board and other state agencies need to comply with.

- Questions on payment to aerial applicator and pesticide vendor
- Thank you letters on behalf of the Board to Environmental Police and Tom Barnes, Airport Manager of Westfield Airport. M. Buffone thanked Jack Card and Tim McGlinchy for their efforts
- A question on procurement requirements such as competitive bidding (3 bids) impacting purchasing of services and products. It disruptive to working of small agencies.
- There were concerns that staff would need to be added to comply.
- Why the projects funded with municipal resources is being forced to adhere to state policies which are counterproductive at the risk of adding costs and not saving dollars and not state dollars.
- Question on FEMA funds and reimbursement to Plymouth County Mosquito Control Project
- J. Greg Milne commented that there were tremendous inconsistencies with the Board's position on whether mosquito control projects are state entities referencing a meeting held with the Executive Office concerning the new budget policy. The Chairman addressed his comment and disagreed with his presentation of the facts and rejected any assertion that these were town funds.

- Question was raised about section 14 D of Chapter 252 MGL. Chairman emphasized that the mosquito control programs are not outside of the state requirements.
- Question concerning was mosquitocides can be used on schools and new EPA requirements and asking the Board to look into as it relates to the amended Chapter 132 B MGL e.g. Children and Families Protection Act.

On one particular question, there was extended discussion. The Chairman noted the projects are state personnel and state entities. The interpretation that this is local money and that the individual municipalities are providing that funding, which is an interpretation of certain individuals, which is not the Board's interpretation. Chairman Corte-Real reiterated that the Board's interpretation stands that these are state funds and state programs.

M. Buffone, Executive Director stated that the Chairman was correct and that it is not just the Board's determination but the Department of Revenue (DOR) also since the DOR helped developed the Board's policy MOSQUITO CONTROL BUDGETS AND FUNDING Policy 2005-2 and the "Q and A" with their help. The Executive Director provided an example of clarification and stated that the State aid appearing on a municipal members Cherry Sheet is used to pay for the service provided by the district. Revenue generated at the local level, such as property or motor vehicle excise taxes, does not fund mosquito control services in Massachusetts. He emphasized that this is state funding in the form of local aid distributions that are intercepted and the assessment or deductions are recorded on the Cherry Sheet for the purpose of funding mosquito control assessments and other charge programs.

Gary Gonyea requested that the Executive Director provide a copy of the Board policy and "Q and A" on this issue to all the mosquito control projects.

M. Buffone emphasized that Section 14 D is only one section of the Chapter 252 MGL. One section of the entire law does not trump the entire law.

Questions were asked about non-approval from EEA of retired employees requesting rehiring or coming back to do seasonal work? These positions can only work 960 hours or limited to 120 days. A number of positions were pending according to MDAR Human Resources and some have been denied above the Board's authority. These are personnel decisions being made at the Secretarial level. M. Buffone stated that there has been an effort to inform the decision makers about the fact that these positions are vital to the mosquito control. This issue was a concern to mosquito control projects. The Board members stated that they would look into the matter. Chairman Corte-Real stated that we have asked and in some cases re-asked. Those concerns conveyed that they wanted a better explanation of the issue. Some of these denials may have been unintended consequences of a new ethics reform.

Monica Mullin, Senate President Murray's Office stated that they were concern about the current oversight on the Commissions that the Board oversees and she expected that they would getting more involved with these issues and the entire Cape delegation are aware of these issues.

The Executive Director commented to John Doane remarks that we should try to bring this together that the Board statutorily appoints the Board of Commissions and through that appointment, they follow the guidance and directives of the Board or in board's opinion what cause the greatest relief as it relates to mosquito control. He noted that the Board has done much work by issuing policies and guidance to help the Commissioners carry out the mandate of Chapter 252. The Board is bound to the Commonwealth law concerning procurement or hiring. The ED agreed with Mr. Doane. The ED remarked that the AG Councils had reviewed the law in past years and made the determination that the mosquito control programs would

weigh more on the state side. John Doane stated that this was done without the mosquito control programs input. A comment was raised about the Commissioners allegiance to the towns. Chairman stated that it is not a matter of allegiance, they are appointed to carry out their duties under the statutes. They have roles and responsibilities. Are they responsive to SRB or the member towns? They are responsive to the district, said the Chairman. Gary Gonyea stated that the roles and responsibilities are posted on the Board's website. Comments were raised about Commission appointments and lack of re-appointments. There was a request to have the Board to re-appoint terms. The Chairman stated that they serve until replaced. Anne Carroll asked if the Board could discuss on the agenda for the next meeting. The Board asked how many pending and who were. They asked the ED to provide a table of how many were pending.

**G.3: Action Taken:** None

**H: New Business:** The Board will clarify issues in a letter from Ben Nugent, Legislative Aid, for Representative Randy Hunt.

**H.1: Background:** Chairman Corte-Real acknowledged that the Board received a letter from Representative Hunt and asked if the letter was addressed. He asked the other members if they would like to weigh in on the letter.

**H.2: Questions and Discussions:** The Chairman commented that there seems to be a difference of interpretation on some critical issues but until the issues are completely clarified, we have some previous ruling and we are proceeding on these interpretations. The legislative aid has many questions and would like to invite the Board to a meeting to try and address these issues.

**H.3: Action Taken:** None.

**I: Adjournment:** *The Board will officially adjourn the meeting.*

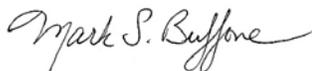
**I.1: Background:** Chairman Corte-Real entertained a motion to adjourn.

**I.2: Questions and Discussions:** The Executive Director wanted to announce that the May Board meeting will be on Wednesday May 25<sup>th</sup> 2011 and remind everyone that this will be the Budget Certification meeting.

**Wednesday, May 25, 2011 @ the Walpole Town Hall, 135 School Street, Walpole, MA 02081 in the main meeting room on the 1<sup>st</sup> floor. Note:** School Street is located one block away from the intersection of Route 1A and Route 27.

**I.3: Action Taken:** Gary Gonyea made motion to adjourn the meeting at 12:30 PM seconded by Anne Carroll and unanimously voted 3-0

Respectfully submitted,



Mark S. Buffone  
Executive Director